



Freedom of Information Request Reference N°: FOI 000263-18

I write in connection with your request for information received by Norfolk and Suffolk Constabularies on the 18 January 2018 in which you sought access to the following information:

“Please could I request the following information regarding all marked vehicles within your fleet;

- *The Vehicle Make & Model*
- *The Registration Number*
- *The Role of the Vehicle (i.e. Dog Unit/Patrol/Traffic Unit)*
- *Station it is based at*

Response to your Request

The response provided below is correct as of 15 February 2018

Norfolk and Suffolk Constabularies have considered your request for information and our response is below.

The information provided within the attached spreadsheet relates to all marked police vehicles and includes the make, model, registration number, role and vehicle location.

Please note that the information supplied only relates to vehicles currently in service, any currently being commissioned, de-commissioned or awaiting sale, have been excluded.

In accordance with the request, this information excludes unmarked vehicles.

Information concerning the primary location of the marked vehicles and the Constabularies armed response vehicles has not been provided as a result of exemptions within the Act.

Section 1 of the Freedom of Information Act 2000 (FOIA) places two duties on public authorities. Unless exemptions apply, the first duty at s1(1)(a) is to confirm or deny whether the information specified in a request is held. The second duty at s1 (1)(b) is to disclose information that has been confirmed as being held.

Where exemptions are relied upon s17 of FOIA requires that we provide the applicant with a notice which:

- a) States that fact,
- b) Specifies the exemption(s) in question and
- c) States (if that would not otherwise be apparent) why the exemption applies

The information is exempt from disclosure by virtue of the following exemption(s);

Section 24(1) – National Security
Section 31(1)(a)(b) – Law Enforcement

Section 24 and 31 are qualified, prejudice-based exemptions and therefore I am obliged to provide evidence of harm and a public interest test.

Evidence of Harm

The Police Service is charged with enforcing the law, preventing and detecting crime and protecting the communities we serve. In order to achieve these objectives we are allowed to use reasonable force when necessary to do so. In the ultimate circumstance this can include the use of lethal force but the rule of thumb is to use the minimum amount necessary to achieve the objective. In reality this equates to the use of the minimum amount of force required to overcome the violence, used or threatened, by those wishing to cause harm.

As part of this equation we also have to pay heed to the Human Rights Conventions particularly Article 2 - The Right to Life. The law and regulations relating to the use of force are detailed within the Authorised Professional Practice (APP) document for Armed Policing, see below link:

<https://www.app.college.police.uk/app-content/armed-policing/?s=>

Armed Policing is a highly specialised area of firearms deployment and weapons training. It is an emotive subject under constant scrutiny and, by default, is always in the public eye. There is a long history of excellent practice nationally and Armed Policing is regarded as being at the forefront of firearms issues.

Revealing the number of armed vehicles would reveal tactical capability and is likely to influence the criminals, which may include terrorists or terrorist organisations, who are prepared to resort to the use of extreme force in order to avoid detection and capture. This creates if you will an 'arms race' to the detriment of the criminals themselves, as the use of lethal weapons becomes more and more the only resolution option, and endangers both the public and officers themselves. This is best evidenced by the fact that the United Kingdom, even in these violent times, has been able to maintain a basically unarmed Police Service, with the result benefits this delivers when compared with other countries, such as America, where armed conflict resolution with law enforcement agencies depends on who has the most effective weapons.

Furthermore, the threat from terrorism cannot be ignored. It is generally recognised that the international security landscape is increasingly complex and unpredictable. The current UK threat level from international terrorism, based on intelligence, is assessed as at 24/12/17 as Severe, which means that a terrorist attack is highly likely, see below link:

<https://www.mi5.gov.uk/home/about-us/what-we-do/the-threats/terrorism/threat-levels.html>

In order to counter criminal and terrorist behaviour it is vital that the police have the ability to work together, to assist in the investigative process to ensure the successful arrest and prosecution of offenders who commit or plan to commit acts of terrorism.

Provision confirming the Constabularies marked vehicle primary locations would identify operational effectiveness at identified locations. The information would undoubtedly identify locations where the most or least officers are present, based on the number of vehicles based at that location. As the information supplied confirms the number of vehicles by department, the information could be used in conjunction with other forces data to identify geographical areas where operational strength is more or less than others.

The prevention and detection of crime is the foundation upon which policing is built and the police have a clear responsibility to prevent crime, arrest those responsible for committing crime or those that plan to commit crime. However, there is also a duty of care to the public at large. The UK Police Service has a positive undertaking to protect the public from harm and that duty of care to all involved must be the overriding consideration.

Public Interest Considerations

Factors favouring Disclosure – Section 31

There is a public interest in the community being made aware of all the facts relating to the Constabularies fleet in order to ensure complete openness and transparency, especially given there is often speculation and rumour with regard to the use of firearms within the Police Service. In this case providing tactical information relating to Armed Response Vehicles (ARVs) and vehicle locations would provide transparency and may enhance public debate into this type of policing.

The public has a right to know how funds are being allocated and spent across the police service. The provision of the information will ensure the public know how funds have been distributed across the Constabularies fleet.

Factors favouring Non-Disclosure – Section 31

The deployment of authorised firearms officers is measured and authorised by chief officers after careful consideration in order to protect the public and apprehend individuals who use lethal weapons as part of their criminality. To disclose the number of ARVs reveals tactical capability and would place the constabularies at a strategic disadvantage. In addition, disclosure may also 'create' a fear of crime within the general public relating to armed policing.

The risk to public safety cannot be ignored and the Constabularies have a responsibility to ensure safety of individuals is protected at all times, as detailed within the harm.

The manner in which terrorist attacks have been carried out recently, with the use of vehicles, increases the requirement for the Constabularies to maintain the confidentiality of the ARV capability. It is more relevant now more than ever to ensure that Constabularies are absolutely prepared for any future criminal activities that require an armed response. It would certainly at this point in time, not be appropriate to provide information that may jeopardise any future requirements to deploy an armed response.

The above is additionally true with regards to the provision of vehicle locations, allowing identification to be made of force strength. The progression in the way in which criminals carry out offences requires the Constabularies to continually review information that is being disclosed. Although it can be argued we have previously disclosed certain details regarding vehicle locations, knowledge of vehicle capacity at any one location in the current climate will provide crucial information to criminals wishing to target police stations or vehicles.

Factor favouring Disclosure – Section 24

Disclosure would inform the public that the police service allocates their resources appropriately ensuring vehicles are deployed as quickly as possible dependent on frontline responsibilities. This would provide transparency with regard to the use of public funds inasmuch as the funds are being used correctly and appropriately.

Factors favouring non-disclosure – Section 24

Whilst there is a public interest in providing reassurance the Constabularies are appropriately and effectively dealing with threats posed by criminals and terrorist organisations, there is a strong public interest in safeguarding national security and the welfare and safety of the general public.

Any disclosure has the potential to undermine ongoing and future operations to protect the Security of the United Kingdom, e.g. counter terrorism activity. The risk of significant harm or even death to the community at large would be increased.

FOI disclosures are not designed to override law enforcement capabilities; FOI practitioners take into account all varying factors presently available to us, to allow an informed decision on whether information such as this is appropriate for public consumption. The suitability of information such as this being disclosed fluctuates continuously as the criminal landscape changes. What once may have been acceptable may no longer be. This is certainly the case in respect ARV numbers and vehicle locations.

Regardless of what has or has not been placed in the public domain by Constabularies in the past, we must consider the effect such disclosure would have on the effectiveness of today's policing response. The information requested needs to be protected in order to ensure that individuals do not use collectively obtained information from other forces and establish a national picture identifying capabilities across the country. Information will identify those force areas that have a lower response capacity and consequently will be regarded as an easy target.

Balancing Test

Whilst there is a public interest in the transparency of policing resources for specialist departments and providing reassurance that the Police Service is appropriately and effectively placing resources into Armed Policing.

In addition, we also need to take into account the victims of terrorism. Public safety is of paramount importance and any information which would place individuals at risk and compromise the National Security of the United Kingdom, no matter how generic, is not in the public interest. The effective delivery of operational law enforcement and the National Security of the UK is crucial and of paramount importance to the police service. Any disclosure would have a negative impact on law enforcement and national security.

As much as there is a public interest in knowing that the delivery of law enforcement is appropriate and balanced, this will only be overridden in exceptional circumstances.

Therefore it is our opinion that for these issues the balance test for disclosure is not made out.

Should you have any further queries concerning this request, please contact Clair Pack, FOI Decision Maker, quoting the reference number shown above.

A full copy of the Freedom of Information Act (2000) can be viewed on the 'Office of Public Sector Information' web-site;
<http://www.opsi.gov.uk/>

Norfolk and Suffolk Constabularies are not responsible for the content, or the reliability, of the website referenced. The Constabulary cannot guarantee that this link will work all of the time, and we have no control over the availability of the linked pages.

Your Right to Request a Review of Decisions Made Under the Terms of the
Freedom of Information Act (2000).

If you are unhappy with how your request has been handled, or if you think the decision is incorrect, you have the right to ask the Norfolk and Suffolk Constabulary to review their decision.

Ask Norfolk and Suffolk Constabularies to look at the decision again.

If you are dissatisfied with the decision made by Norfolk and Suffolk Constabularies under the Freedom of Information Act (2000), regarding access to information, you must notify the Norfolk and Suffolk Constabulary that you are requesting a review within 20 days of the date of its response to your Freedom of Information request. Requests for a review should be made in writing and addressed to:

*Freedom of Information Decision Maker
Information Management Department
Suffolk Constabulary
Police Headquarters
Martlesham Heath
Ipswich
Suffolk
IP5 3QS
OR
Email: information@suffolk.pnn.police.uk*

In all possible circumstances Norfolk and Suffolk Constabulary will aim to respond to your request for us to look at our decision again within 20 working days of receipt of your request for an internal review.

The Information Commissioner.

After lodging a request for a review with Norfolk and Suffolk Constabulary, if you are still dissatisfied with the decision, you can apply to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at www.ico.org.uk or contact them at the address shown below:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Telephone: 01625 545 700